

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MONA DOBRICH, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 05-120-JJF
	:	
INDIAN RIVER SCHOOL DISTRICT, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS’ MOTION FOR LEAVE TO FILE AN ANSWERING  
BRIEF IN OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

In order to complete all briefing efficiently, without delay, and in accordance with the Court’s Summary Judgment Procedure Order and Scheduling Order, Defendants, the Indian River School Board (“Board”), the Indian River School District (“District”), and various District employees, by and through their undersigned counsel, hereby move for leave to file an answering brief, a copy of which is attached hereto as Exhibit A, in opposition to Plaintiffs’ Motion for Summary Judgment, and in support thereof, aver as follows:

1. According to the Court’s scheduling order, all case dispositive motions and opening briefs were due on April 10, 2008; all answering briefs to case dispositive motions are due to be filed no later than May 8, 2008, and all reply briefs relating to case dispositive motions are to be filed no later than May 22, 2008.

2. According to the Court’s Summary Judgment Procedure Order, a party who files a motion for summary judgment shall also file a statement certifying that no genuine issues of material fact exist, and any party opposing the motion may file a Counter-Statement in lieu of an answering brief.

3. Plaintiffs and Defendants filed motions for summary judgment on April 10, 2008, and both parties certified that there are no genuine issues of material fact with respect to their respective motions.

4. Plaintiffs' Opening Brief in support of their Motion for Summary Judgment included a fifteen-page "Statement of Facts," in which Plaintiffs claimed the "facts" set forth therein were undisputed.

5. Contrary to Plaintiffs' assertion, Plaintiffs' Statement of Facts is argumentative and contains minimal references to the record.

6. Defendants' contacted Plaintiffs to reach an agreement with Plaintiffs regarding responding to Plaintiffs' Statement of Facts, and Defendants proposed that Plaintiffs file a separate document inventorying the truly undisputed facts.

7. Plaintiffs rejected Defendants' proposal, which has forced Defendants to respond to and/or contest each and every statement in Plaintiffs' Statement of Facts.

8. In accordance with the Court's Summary Judgment Procedure Order, Defendants have filed a Counter-Statement contesting Plaintiffs' certification and Statement of Facts.

9. In an effort to complete all briefing as efficiently as possible and without delay, Defendants also seek leave to file their answering brief in opposition to Plaintiffs' Motion for Summary Judgment.

10. In addition, Defendants have incorporated by reference previous briefing done in this case into their answering brief. To the extent such incorporation is deemed to constitute additional pages, Defendants hereby also request leave to include the incorporated documents and exceed the page limitation for responsive briefs established by the local rules.

**WHEREFORE,** Defendants respectfully request leave to file their answering brief in opposition to Plaintiffs' Motion for Summary Judgment.

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Dated: May 8, 2008

**CERTIFICATE OF SERVICE**

I, Warren T. Pratt, hereby certify that on May 8, 2008, I electronically filed the foregoing Motion for Leave to File an Answering Brief in Opposition to Plaintiffs' Motion for Summary Judgment and Proposed Order using CM/ECF, which will send notification of such filing to the following:

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